REMARKS

The present Amendment is in response to the Office Action mailed May 12, 2009. Claims 1, 2, 10, 13, 14, 17, and 23 are amended and claim 27 is added. No new matter has been added. Claims 1-3, 5-14, 16-19, and 21-23 are now pending in view of the above amendments. Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks.

Objections to the Claims

Claims 5, 12, and 21 are objected to as reciting a "network user registry" and a "network user profile." The examiner has suggested that these terms be amended to recite "a "network user's ... registry" and a "network user's profile." Applicant respectfully asserts that the claims are not required to use the exact language of the specification. *See* MPEP 2163.02 ("The subject matter of the claim need not be described literally (i.e., using the same terms or *in haec verba*) in order for the disclosure to satisfy the description requirement."). Applicant respectfully asserts that the claim terms "registry" and "user profile" are adequately supported by the specification as originally filed, such as page 13, lines 8-17, 27-28, the originally filed claims, and throughout the specification as originally filed.

Objections to the Specification

The specification is objected to as including new matter added by the amendment filed October 13, 2008. Applicant respectfully asserts that the language added is found in claim 17 as originally filed and therefore does not constitute new matter. *See In re Koller*, 613 F.2d 819, 204 USPQ 702 (CCPA 1980).

Rejection Under 35 U.S.C. § 112, First Paragraph

The Examiner rejects claims 1, 5, 12, 13, 16, 17, 21, and 23 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement required. Applicant respectfully asserts that support for the "initiating execution of scripting code" is found on page 10, lines 6-16, page 10 line 30 – page 11, line 3, page 18 lines 14-19, 34 and page 23 line 34 – page 24, line 4, and throughout the specification as originally filed. Applicant notes that the clams are not required to

use the exact language of the specification. *See* MPEP 2163.02 ("The subject matter of the claim need not be described literally (i.e., using the same terms or *in haec verba*) in order for the disclosure to satisfy the description requirement.").

By this amendment, reference to "initiating the execution of the scripting code" has been removed from claims 13, 17, and 23, rendering the rejection moot.

Claim 17 is objected to as reciting "a computer-readable storage medium having a computer program embodied therein." Applicant respectfully asserts that claim 17 as originally filed included this language and therefore provides adequate support for this term. *See In re Koller*, 613 F.2d 819, 204 USPQ 702 (CCPA 1980).

Furthermore, as noted by the examiner, the specification references "media" and "storage media," which provide adequate support for the language of claim 17. Applicant respectfully asserts that the claims are not required to use the exact language of the specification. *See* MPEP 2163.02.

Rejection Under 35 U.S.C. § 112, Second Paragraph

Claims 1, 5, 12, 13, and 17 are rejected under 35 U.S.C. § 112, Second Paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention

Claims 1 is rejected for reciting "specified time period" and "procedures for handling." By this amendment "specified time period" has been replaced with "deletion prevention time period" and "procedures for handling" has been removed from the claim, rendering the rejection moot.

Claims 5, 12, 13, and 16 are rejected under 35 U.S.C. § 112, Second Paragraph, as omitting an essential element, namely an "operating system" when reciting the "network user's registry." As noted above, the claims are not required to use the exact language of the specification. *See* MPEP 2163.02 ("The subject matter of the claim need not be described literally (i.e., using the same terms or *in haec verba*) in order for the disclosure to satisfy the description requirement."). Applicant further asserts that recitation of a "registry" in claims 5, 12, 13, and 16 is adequately supported by the specification as originally filed, such as page 13, lines 8-17, 27-28, and throughout the specification as originally filed.

Claim 13 and 17 are rejected as reciting a "deletion prevention time period" rather than a "deletion prevention specified time period" as in claims 1 and 17. Applicant respectfully asserts that independent claims are not required to use identical language. However, claim 1 has been amended to recite a "deletion prevention time period," such that claims 1, 13, and 17 are now consistent.

Rejection Under 35 U.S.C. § 101

Claims 1, 2, and 5-11 are rejected because the claimed invention is directed to non-statutory subject matter. In particular the examiner asserts that a method claim must "(1) be tied to another statutory class of invention … or (2) transform underlying subject matter." Applicant respectfully asserts that claim 1 satisfies both of these criteria. For example, claim 1 recites a number of apparatus including "a central repository" and "recipient computers." Claim 1 further recites a transformation of underlying subject matter inasmuch as the data stored in the "central repository" and "recipient" computers is changed during execution of the method.

Claims 17-19, 21, and 22 are rejected as failing to recite computer executable instructions. Applicant respectfully asserts that claim 17 recites "computer program embodied therein that causes the distributed computing environment to" perform the recited functions. Applicant respectfully asserts that a computer program operable to cause a computing environment to perform certain functions is well known in the art to include computer readable instructions. The rejection is therefore moot.

Rejection Under 35 U.S.C. § 103

Claim 1 is rejected in view of *http://www.ustrim.com/trim/page31.htm* [*Ustrim*] in view of *Nielsen* (US 6,108,688) and claims 2-23 are rejected in view of *Ustrim* and *Nielson* in view of (EP 0346556) *Mourier*.

Ustrim has been cited for including a section entitled "*Retention and Disposal of Records.*" The cited section teaches that "Authorities must have 'trigger events' which assist with the process of determining when records may be sent to inactive storage, destroyed, or archived." The cited section further states that "[t]he volume of Electronic Records will

accumulate and make systems unworkable unless automated disposition management is implemented."

Nielson has been cited as teaching a system operable to "send messages to recipients over a variety of kinds of networks" and for teachings messages including a date and time field. Col. 2, lns. 57-66; Figure 2.

Mourier has been cited as teaching a system including mail messages having tags. Page 9, lines 47-55 and 59-68. *Mourier* has also been cited as teaching a method including the step of deleting a tag. Figure 19B.

Applicant respectfully asserts that the teachings of the cited references, taken alone or in combination, fails to teach, suggest, or provide an apparent reason for modification to achieve the method recited in claim 1.

Ustrim contains only the above-cited teachings with respect to deleting records. In particular *Ustrim* teaches "[a]uthorities must have 'trigger events' which assist with the process of determining when records may be sent to inactive storage, destroyed, or archived." This fails to teach or suggest the method of claim 1 including "evaluating the electronic tag to determine if the electronic record is to be deleted based on expiration of the deletion prevention time period; causing searching of the recipient computer for the electronic record; and causing deletion of the electronic record from the recipient computer."

Simply destroying an archived record according to a schedule as in *Ustrim* does not meet these elements of the claim. *Nielson* and *Mourier* fail to remedy this deficiency. In particular, Figure 19B of *Mourier*, which was cited in the Office Action, only teaches a method for manually deleting a tag in response to a user input. The "PF[x]" labels in the decision boxes of Figure 19B correspond to function keys pressed by the user. Page 13, lines 38-44.

Claims 13 and 17 are allowable for at least the reasons noted with respect to claim 1.

Claim 23 is likewise allowable for at least the reasons noted with respect to claim 1. In addition, *Ustrim*, *Nielson* and *Mourier* fail to suggest a method including the elements of "evaluating a user profile of a user associated with the one or more electronic records to be deleted to determine a deletion privilege of the user; according to the deletion privilege perform at least one of deleting the electronic record to be deleted and the electronic tag corresponding thereto stored in the central repository; and deleting the electronic record to be deleted without

deleting the electronic tag corresponding thereto stored in the central repository."

As already noted *Ustrim* teaches only a method for the scheduled deletion of archived records and *Mourier* teaches the manual deletion of tags in response to a keypress by a user. Taken alone or in combination these teachings fail to teach, suggest, or provide an apparent reason for modification to achieve the elements cited above in combination with the other elements of claim 23.

Claims 2-12, 14, 16, 18, 19, and 21 are dependent on claims 1, 13, and 17, respectively, and are allowable for at least the reasons pointed out hereinabove with respect to claim 1.

In addition, Applicant notes that the portion of *Mourier* (col. 4, lns. 12-65) cited to reject claim 5 does not exist. In particular, *Mourier* is not formatted in columns and does not include line numbers up to 65 accordingly column 4, lines 12-65 does not exist. The text of page 4 from lines 12 through 58 does not relate to the elements of claim 5. Applicant respectfully asserts that *Mourier* in fact contains no disclosure teaching, suggesting, or apparent reason for modification to achieve the elements of claim 5. Accordingly, a *prima facie* case of obviousness has not been established with respect to claim 5.

With respect to claim 12, the portion of *Ustrim* cited in rejection of the claims references only formatting tags used in HTML documents. *Office Action Mailed May 12, 2009*, page 6; *Ustrim*, "Publishing Records on the WWW." HTML tags are used to define formatting of a document and in no way relate to tags generated according to the method of claim 12. There is further no teaching or suggestion to generate an HTML tag by "reading the electronic tag; and generating a new electronic tag at least in part as a function of the read electronic tag, a network user's operating system registry, a network user's user profile, and a reference code, as recited in claim 12. Accordingly, a *prima facie* case of obviousness has not been established with respect to claim 12.

Patentability of Added Claim

By this amendment claim 27 is added. Although not identical in scope, claim 27 is believed to be allowable for at least some of the reasons noted above with respect to claim 1.

CONCLUSION

In view of the foregoing, Applicant believes the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

The Commissioner is hereby authorized to charge payment of any of the following fees that may be applicable to this communication, or credit any overpayment, to Deposit Account No. 23-3178: (1) any filing fees required under 37 CFR § 1.16; (2) any patent application and reexamination processing fees under 37 CFR § 1.17; and/or (3) any post issuance fees under 37 CFR § 1.20. In addition, if any additional extension of time is required, which has not otherwise been requested, please consider this a petition therefor and charge any additional fees that may be required to Deposit Account No. 23-3178.

Dated this 12th day of August, 2009.

Respectfully submitted,

/R. Burns Israelsen/Reg#42685/

R. BURNS ISRAELSEN
Attorney for Applicant
Registration No. 42,685
Customer No. 022913
Telephone No. (801) 533-9800